## IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS WESTERN DIVISION

UNITED STATES OF AMERICA

**PLAINTIFF** 

v.

No. 4:92CR00090-05 JLH

ALFRED LEOTIS RODGERS

**DEFENDANT** 

**ORDER** 

Pending is defendant Alfred Leotis Rodgers' Motion for Reconsideration. Rodgers contends that he is entitled to a reduction because he was responsible for 673 grams of cocaine base, which would make his base offense level a 32. According to the PSR, Rodgers was responsible for 8,495.9 grams of cocaine and 589.32 grams of cocaine base.<sup>1</sup> Under the new Guidelines, this constitutes 3,803.64172 kilograms of marijuana equivalent and establishes a base offense level of 34. Rodgers had the same base offense level when his sentence was reduced in 2008.<sup>2</sup>

Section 1B1.10(a)(2) of the Guidelines reads: "A reduction in the defendant's term of imprisonment is not consistent with this policy statement and therefore is not authorized under 18 U.S.C. § 3582(c)(2) if .

. . an amendment listed in subsection (c) does not have the effect of lowering the defendant's applicable guideline range." Rodgers' base offense level and Guidelines range are unaffected by Amendment 750.

Accordingly, Rodgers' Motion for Reconsideration is DENIED. Document #348.

IT IS SO ORDERED this 17th day of April, 2012.

LEON HOLMES

UNITED STATES DISTRICT JUDGE

<sup>&</sup>lt;sup>1</sup> Cocaine: 8,495.9 grams x 200 = 1,699,180 grams (1,699.18 kgs) of marijuana equivalent. Crack: 589.32 grams x 3,571 = 2,104,461.72 grams (2,104.46172 kgs) of marijuana equivalent.

<sup>&</sup>lt;sup>2</sup> Document #313.

<sup>&</sup>lt;sup>3</sup> U.S. SENTENCING GUIDELINES MANUAL § 1B1.10(a)(2)(B) (2011).